

AN ACT REORGANIZING THE GOVERNOR'S CABINET AND
CERTAIN AGENCIES OF THE EXECUTIVE DEPARTMENT.

SECTION-BY-SECTION SUMMARY

Section 1	<p>Amends chapter 6 by reorganizing the Governor's Cabinet to include the following Secretaries:</p> <ul style="list-style-type: none">• Administration and Finance• Elder Affairs• Energy and Environmental Affairs• Health and Human Services• Housing and Economic Development• Labor and Workforce Development• Public Safety and Security• Transportation and Public Works.
Section 2	<p>Amends section 56 of chapter 6 by transferring the Massachusetts Commission Against Discrimination to the Executive Office of Labor and Workforce Development (from the Executive Office for Administration and Finance, see section 10).</p>
Section 3	<p>Amends chapter 6A by changing the list of executive offices to reflect the reorganization.</p>
Section 4	<p>Amends section 3 of chapter 6A by allowing each Secretary to appoint one or more Undersecretaries, subject to appropriation and subject to the approval of the Governor.</p>
Section 5	<p>Repeals section 8B of chapter 6A, thereby abolishing the Commonwealth Development Coordinating Council.</p>
Section 6	<p>Amends subsection (a) of section 16G of chapter 6A by establishing within the Executive Office of Housing and Economic Development, the Department of Business and Technology, the Department of Consumer Affairs and Business Regulation, and the Department of Housing and Community Development.</p>
Sections 7, 13, 20, 21, 23, 28	<p>These and other sections described below divide responsibilities of the Department of Telecommunications and Energy between the Executive Office of Energy and Environmental Affairs and the Executive Office of Housing and Economic Development, transfer the Division of Energy Resources from the Department of Consumer Affairs and Business Regulation to the Executive Office of Energy and Environmental Affairs, and also change the name of the Department of Telecommunications and Energy to the Department of Public Utilities.</p>

Section 8	Amends section 16G of chapter 6A by transferring the Department of Labor and the Department of Workforce Development from the Executive Office of Economic Affairs (to the Executive Office of Labor and Workforce Development, see sections 14, 15).
Section 9	Amends subsection (f) of section 16G of chapter 6A by changing the Secretary of Economic Development to the Secretary of Housing and Economic Development.
Section 10	Amends section 4G of chapter 7 by transferring MCAD from the Executive Office for Administration and Finance (to the Executive Office of Labor and Workforce Development, see section 2).
Sections 11, 12	Amend the title and section 1 of chapter 21A by changing the name of the Executive Office of Environmental Affairs to the Executive Office of Energy and Environmental Affairs.
Section 13	Amends section 7 of chapter 21A by placing in the Executive Office of Energy and Environmental Affairs the Department of Environmental Protection, the Department of Conservation and Recreation, the Department of Agricultural Resources, the Department of Fish and Game, the Department of Public Utilities, and the Division of Energy Resources (the last two from the Department of Consumer Affairs and Business Regulation, see sections 7, 20, 23, 28).
Sections 14, 15	Amend chapter 23 by establishing a new Executive Office of Labor and Workforce Development, under the supervision and control of a Secretary of Labor and Workforce Development, appointed by the Governor. The Executive Office shall include the Department of Labor, the Department of Workforce Development (both transferred from the Executive Office of Economic Development, see section 8), and the Massachusetts Commission Against Discrimination (transferred from the Executive Office for Administration and Finance, see sections 2, 10).
Section 16	Amends section 1 of chapter 23B by placing the Department of Housing and Community Development in the Executive Office of Housing and Economic Development. An Undersecretary for Housing and Community Development, appointed by the Secretary of EOHED with the Governor's approval, will head the Department.

Sections 17, 18	Amend section 1 of chapter 23H by transferring the Department of Workforce Development to the new Executive Office of Labor and Workforce Development (see sections 14, 15).
Section 19	Amends subsection (a) of section 1 of chapter 24A by clarifying that the Department of Consumer Affairs and Business Regulation is in the Executive Office of Housing and Economic Development.
Section 20	Amends subsection (b) of section 1 of chapter 24A by providing that the Office of Consumer Affairs and Business Regulation contains the Division of Business Regulation, the Division of Consumer Affairs, and the Division of Standards. The Office no longer includes the Division of Energy Resources.
Section 21	Amends section 1 of chapter 25 by changing the name of the Department of Telecommunications and Energy to the Department of Public Utilities.
Section 22	Amends section 2 of chapter 25 by changing the name of the Department of Telecommunications and Energy Commission to the Commonwealth Utilities Commission, and providing for a 3 member, rather than a 5 member, commission appointed or removed by the Secretary of Energy and Environmental Affairs with the approval of the Governor. The terms of 2 commissioners shall be coterminous with that of the Governor and the term of the third commissioner shall be 4 years. The Secretary of Energy and Environmental Affairs shall select a chairman of the Commission for a 2 year term, with the approval of the Governor. Under current law, the 5 members are appointed by the Governor and the appointees have staggered terms. This section changes the qualification requirements of the commissioners and only requires experience in electricity or natural gas and removes the requirement for experience in telecommunications, consumer protection and cable television.
Section 23	Amends section 2A of chapter 25 by transferring the Energy Advisory Board from the Office of Consumer Affairs and Business Regulation to the Executive Office of Energy and Environmental Affairs.
Section 24	Amends section 4 of chapter 25 by changing the quorum requirements for the Commission from the current 3 to 2, to reflect the change to a 3 person commission.

Section 25	Repeals section 12E ½ of chapter 25, which created a Division of Telecommunications within the Department of Telecommunications and Energy, reflecting the transfer of this division to another agency pursuant to section 10 below.
Section 26	Deletes references to “cable television, telephone and telegraph” companies in section 18 of chapter 25, reflecting the transfer of these functions to another agency pursuant to section 10 below.
Section 27	Deletes references to “telephone or telegraph” companies in section 18 of chapter 25, reflecting the transfer of these functions to another agency pursuant to section 10 below.
Section 28	Amends section 1 of chapter 25A by placing the Division of Energy Resources into the Executive Office of Energy and Environmental Affairs.
Section 29	Creates a new chapter 25C in the general laws.
Section 29(1)	Establishes a new agency within the Office of Consumer Affairs and Business Regulation called the Department of Telecommunications and Cable and vests in that new agency general supervisory powers over telephone and telegraph companies, and cable companies.
Section 29(2)	Provides that the head of the agency will be a single commissioner, appointed by the Governor for a term coterminous with that of the Governor.
Section 29(3)	Establishes conflict of interest guidelines for the commissioner (the same as currently exist).
Section 29(4)	Provides that the commissioner’s supervisory powers extend to all the affairs of the new agency.
Section 29(5)	Repeats the provision that currently exists for the Department of Telecommunications and Energy with respect to whether documents received from regulated entities are to be considered public records.
Section 29(6)	Establishes the Division of Telecommunications within the Department of Telecommunications and Cable. Sets out the statutory authority of the division.

Section 29(7)	Transfers the authority to assess the telecommunications and cable industries to the Commissioner of the Department of Telecommunications and Cable.
Sections 30-36	Amend various general laws to change the name of the Department of Telecommunications and Energy to the Department of Public Utilities.
Section 37	Amends section 69H of chapter 164 by altering the composition of the Energy Facilities Siting Board. Specifically, among other members the Board would have 2 commissioners from the re-named Department of Public Utilities, rather than 3, and the Commissioner of the Department of Environmental Protection would be added as a member. The section also changes the qualification requirements for the 3 public members of the Board. Currently, 2 of the 3 public members must have experience in environmental and consumer matters, and the third in energy facility matters. As amended, 1 member must have experience in environmental matters, 1 in labor matters, and 1 in energy matters. Also, the Secretary of Energy and Environmental Affairs serves as the chair.
Section 38	Amends section 69H of chapter 164 by eliminating the Department of Telecommunications and Energy chair as chair of the Siting Board.
Section 39	Amends section 69H by having the Commissioner of the Division of Energy Resources, rather than the Director of Consumer Affairs and Business Regulation, appoint an acting chair in the event of refusal of the Secretary.
Sections 40-41	Define the term “Department” as it is used in section 1 of chapter 164A and section 1 of chapter 165 as the Department of Public Utilities.
Section 42	Amends section 4 of chapter 166 to change the name of the Department of Telecommunications and Energy to the Department of Telecommunications and Cable.
Section 43	Amends section 5 of chapter 166 to provide that all references to “department” and “department of telecommunications and energy” in chapter 166 refer to the Department of Telecommunications and Cable.

Sections 44-49	Amend various sections of chapter 166 to change cites from the Department of Telecommunications and Energy to the Department of Telecommunications and Cable.
Section 50	Amends section 2 of chapter 166A to change cites from the Department of Telecommunications and Energy to the Department of Telecommunications and Cable. Clarifies the appeals process to reflect the fact that the department is now run by a commissioner instead of a commission.
Section 51	Provides that the Secretary of Energy and Environmental Affairs shall appoint to a 2 year term the commissioner of the Commonwealth Utilities Commission whose term is not coterminous with that of the Governor.
Section 52(a)	Provides for the orderly transfer of former Department of Telecommunications and Energy employees, proceedings, rules and regulations, property and legal obligations and functions, originally part of the former divisions of telecommunications and community antenna television, to the new agency.
Section 52(b)	Provides for continuity of employment status of the employees being transferred to the new agency (including such aspects as tenure, seniority, retirement rights, salary grade, and the like).
Section 52(c)	Maintains the right to collective bargaining pursuant to chapter 150E, clarifies that this section does not confer upon any employee any new right not held immediately before the date of the transfer and provides that management reorganization (including abolition of positions) is excluded from the commitment to continuity referenced in section 37(b) above.
Section 52(d)	Provides for continuity of proceedings related to petitions, investigations, filed cases, and the like.
Section 52(e)	Provides for continuity in force of all orders, findings, rules and regulations, approvals, and the like.
Section 52(f)	Provides for the transfer of the custody of books, documents, real and personal property, property held in trust, and the like, to the new agency.
Section 52(g)	Provides for the assumption by the new agency of all existing contracts, leases and other obligations of the current divisions.

- Section 52(h) Provides that all references to the Department of Telecommunications and Energy in any statute, regulation or contract shall refer to the Department of Telecommunications and Cable to the extent they relate to telecommunications and cable television, otherwise they shall refer to the Department of Public Utilities.
- Section 53 Substitutes the names of new agencies, wherever references to old ones still exist.
- Section 54 Provides that this reorganization plan will take effect as soon as possible under the Constitution.